

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**LAWRENCE K. BAERMAN**  
Clerk

**JOHN M. DOMURAD**  
Chief Deputy



James M. Hanley Federal Building  
P.O. Box 7367, 100 S. Clinton St.  
Syracuse, New York 13261-7367  
(315) 234-8500  
Fax (315) 234-8501

**December 6, 2005**

**Sarah Thornton, Clerk  
United States District Court  
District of Massachusetts  
1 Courthouse Way  
Boston, Massachusetts 02210**

**Re: MDL -1456 - In re: Pharmaceutical Industry Average Wholesale Price Litigation  
Case No.: 5:05-CV-88 (FJS/GHL)**

**Dear Clerk:**

**Please be advised that pursuant to 28 USC 1407 and the Transfer Order of the Judicial Panel on Multidistrict Litigation, the enclosed action has been transferred to the District of Massachusetts and is to be assigned to Honorable Patti B. Saris.**

**Pursuant to the transfer any unsatisfied motions previously filed will need to be re-noticed or refiled by the parties. The parties are advised that all future filings and scheduling should occur in the District of Massachusetts in accordance with their local rules.**

**Please acknowledge receipt of this transfer file and letter by returning a date stamped copy of this letter with your case number included in the enclosed self addressed envelope.**

**Respectfully,**

**Lawrence K. Baerman, Clerk**

**Donna Francisco, Deputy Clerk**

**cc: Counsel of record**

**U.S. District Court**  
**Northern District of New York [LIVE - Version 2.5] (Syracuse)**  
**CIVIL DOCKET FOR CASE #: 5:05-cv-00088-FJS-GHL**  
**Internal Use Only**

County of Onondaga v. Abbott Laboratories, Inc. et al  
Assigned to: Chief Judge Frederick J. Scullin, Jr  
Referred to: Magistrate Judge George H. Lowe  
Date Filed: 01/26/2005  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question  
Related Case: 5:05-cv-00714-NAM-DEP  
Cause: 42:1396 - Tort Negligence

**Plaintiff**

**County of Onondaga**

represented by **Aaron D. Hovan**

Kirby, McInerney Law Firm  
830 Third Avenue  
New York, NY 10022  
212-371-6600  
Fax: 212-751-2540  
Email: ahovan@kmslaw.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE**  
**NOTICED**

**Joanne M. Cicala**  
Kirby, McInerney Law Firm  
830 Third Avenue  
New York, NY 10022  
212-371-6600  
Fax: 212-751-2540  
Email: jcicala@kmslaw.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE**  
**NOTICED**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
LAWRENCE A. BAERMAN, CLERK  
By: \_\_\_\_\_ Deputy Clerk

**Roger W. Kirby**  
Kirby, McInerney Law Firm  
830 Third Avenue  
New York, NY 10022  
212-371-6600  
Fax: 212-751-2540  
Email:  
iramirez@kmslaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE*  
*NOTICED*

V.

**Defendant**

**Abbott Laboratories, Inc.**

**Defendant**

**Agouron Pharmaceuticals,  
Inc.**

**Defendant**

**Alcon Laboratories, Inc.**

**Defendant**

**Allergan, Inc.**

**Defendant**

**Alpharma, Inc.**

**Defendant**

**Amgen, Inc.**

**Defendant**

**Andrx Corp.**

**Defendant**

**Astrazeneca**

**Pharmaceuticals L.P.**

**Defendant**

**Aventis Pharmaceuticals  
Inc.**

**Defendant**

**Barr Laboratories, Inc.**

**Defendant**

**Baxter International, Inc.**

**Defendant**

**Baxter Healthcare  
Corporation**

**Defendant**

**Bayer Corp.**

**Defendant**

**Ben Venue Laboratories,  
Inc.**

**Defendant**

**Berlex Laboratories, Inc.**

**Defendant**

**Biogen Idec, Inc.**

**Defendant**

**Biovail Pharmaceuticals,  
Inc.**

**Defendant**

**Boehringer Ingelheim Corp.**

**Defendant**

**Boehringer Ingelheim  
Pharmaceuticals, Inc.**

**Defendant**

**Dermik Laboratories, Inc.**

**Defendant**

**Dey, Inc.**

**Defendant**

**Eisai, Inc.**

**Defendant**

**Eli Lilly and Company**

**Defendant**

**Endo Pharmaceuticals, Inc.**

**Defendant**

**Ethex Corp.**

**Defendant**

**Forest Laboratories, Inc.**

**Defendant**

**Forest Pharmaceuticals,  
Inc.**

**Defendant**

**Fujisawa Healthcare, Inc.**

**Defendant**

**Genentech, Inc.**

**Defendant**

**Genzyme Corp.**

**Defendant**

**Gilead Sciences, Inc.**

**Defendant**

**Glaxosmithkline, P.L.C.**

**Defendant**

**Greenstone, Ltd.**

**Defendant**

**Hoffman-La Roche, Inc.**

**Defendant**

**Immunex Corp.**

**Defendant**

**Ivax Corp.**

**Defendant**

**Ivax Pharmaceuticals, Inc.**

**Defendant**

**Janssen Pharmaceutica  
Products, LP**

**Defendant**

**Johnson & Johnson**

**Defendant**

**McNeil-PPC, Inc.**

**Defendant**

**King Pharmaceuticals, Inc.**

**Defendant**

**Medimmune, Inc.**

**Defendant**

**Merck & Co., Inc.**

**Defendant**

**Monarch Pharmaceuticals,  
Inc.**

**Defendant**

**Mylan Laboratories, Inc.**

**Defendant**

**Mylan Pharmaceuticals,  
Inc.**

**Defendant**

**Novartis Pharmaceuticals  
Corp.**

**Defendant**

**Novo Nordisk  
Pharmaceuticals, Inc.**

**Defendant**

**Organon USA**

**Defendant**

**Ortho Biotech Products LP**

**Defendant**

**Ortho-McNeil  
Pharmaceutical, Inc.**

**Defendant**

**Par Pharmaceutical, Inc.**

**Defendant**

**Pfizer Inc.**

**Defendant**

**Pharmacia Corporation**

**Defendant**

**Purdue Pharama, L.P.**

**Defendant**

**Purepac Pharmaceutical  
Co.**

**Defendant**

**Reilant Pharmaceuticals**

**Defendant**

**Roche Labs**

**Defendant**

**Roxane Laboratories, Inc.**

**Defendant**

**Sandoz, Inc.**

**Defendant**

**Sanofi-Synthelabo, Inc.**

**Defendant**

**Schering Corp.**

**Defendant**

**Schering-Plough Corp.**

**Defendant**

**Serono, Inc.**

**Defendant**

**Smithklinebeeckham Corp.**

*doing business as*

**Glaxosmithkline**

**Defendant**

**Takeda Pharmaceuticals**

**North America, Inc.**

**Defendant**

**Tap Pharmaceutical**

**Products, Inc.**

**Defendant**

**Teva Pharmaceutical USA,**



**Inc.**

**Defendant**

**UCB Pharma, Inc.**

**Defendant**

**UDL Laboratories, Inc.**

**Defendant**

**Warrick Pharmaceuticals Corp.**

**Defendant**

**Watson Pharmaceuticals, Inc.**

**Defendant**

**Watson Pharma, Inc.**

**Defendant**

**Wyeth**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
01/26/2005	<a href="#"><u>1</u></a>	COMPLAINT against Alharma, Inc., Amgen, Inc., Andrx Corp., Astrazeneca Pharmaceuticals L.P., Aventis Pharmaceuticals Inc., Barr Laboratories, Inc., Baxter International, Inc., Baxter Healthcare Corporation, Bayer Corp., Ben Venue Laboratories, Inc., Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Dermik Laboratories, Inc., Dey, Inc., Eisai, Inc., Eli Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Genentech, Inc., Genzyme Corp., Gilead Sciences,

		<p>Inc., Glaxosmithkline, P.L.C., Greenstone, Ltd., Hoffman-La Roche, Inc., Immunex Corp., Ivax Corp., Ivax Pharmaceuticals, Inc., Janssen Pharmaceutica Products, LP, Johnson &amp; Johnson, McNeil-PPC, Inc., King Pharmaceuticals, Inc., Medimmune, Inc., Merck &amp; Co., Inc., Monarch Pharmaceuticals, Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Novo Nordisk Pharmaceuticals, Inc., Organon USA, Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Par Pharmaceutical, Inc., Pfizer Inc., Pharmacia Corporation, Purdue Pharama, L.P., Purepac Pharmaceutical Co., Reilant Pharmaceuticals, Roche Labs, Roxane Laboratories, Inc., Sandoz, Inc., Sanofi-Synthelabo, Inc., Abbott Laboratories, Inc., Schering Corp., Schering-Plough Corp., Serono, Inc., Smithklinebeechem Corp., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., UDL Laboratories, Inc., Warrick Pharmaceuticals Corp., Agouron Pharmaceuticals, Inc., Watson Pharmaceuticals, Inc., Watson Pharma, Inc., Wyeth, Alcon Laboratories, Inc., Allergan, Inc. ( Filing fee \$ 150 receipt number ALB000428) filed by County of Onondaga. (Attachments: # (1) Exhibit A# 2 Exhibit A (cont'd)# 3 Exhibit(s) B thru E# 4 Complaint - Part 1# 5 Complaint - Part 2)(wbl, ). Modified on 2/1/2005 (wbl, ). (Entered: 02/01/2005)</p>
01/26/2005	●	<p>Summons Issued as to Alharma, Inc., Amgen, Inc., Andrx Corp., Astrazeneca Pharmaceuticals L.P., Aventis Pharmaceuticals Inc., Barr Laboratories, Inc., Baxter International, Inc., Baxter Healthcare Corporation, Bayer Corp., Ben Venue Laboratories, Inc., Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Dermik Laboratories, Inc., Dey, Inc., Eisai, Inc., Eli</p>

		<p>Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Genentech, Inc., Genzyme Corp., Gilead Sciences, Inc., Glaxosmithkline, P.L.C., Greenstone, Ltd., Hoffman-La Roche, Inc., Immunex Corp., Ivax Corp., Ivax Pharmaceuticals, Inc., Janssen Pharmaceutica Products, LP, Johnson &amp; Johnson, McNeil-PPC, Inc., King Pharmaceuticals, Inc., Medimmune, Inc., Merck &amp; Co., Inc., Monarch Pharmaceuticals, Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Novo Nordisk Pharmaceuticals, Inc., Organon USA, Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Par Pharmaceutical, Inc., Pfizer Inc., Pharmacia Corporation, Purdue Pharama, L.P., Purepac Pharmaceutical Co., Reilant Pharmaceuticals, Roche Labs, Roxane Laboratories, Inc., Sandoz, Inc., Sanofi-Synthelabo, Inc., Abbott Laboratories, Inc., Schering Corp., Schering-Plough Corp., Serono, Inc., Smithklinebeeckham Corp., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., UDL Laboratories, Inc., Warrick Pharmaceuticals Corp., Agouron Pharmaceuticals, Inc., Watson Pharmaceuticals, Inc., Watson Pharma, Inc., Wyeth, Alcon Laboratories, Inc., Allergan, Inc.. (wbl, ) (Entered: 02/01/2005)</p>
01/26/2005	<u>02</u>	<p>G.O. 25 FILING ORDER ISSUED Initial Conference set for 6/21/2005 09:30 AM in Syracuse before Magistrate Judge George H. Lowe. Civil Case Management Plan due by 6/13/2005. (wbl, ) (Entered: 02/01/2005)</p>
03/22/2005	<u>03</u>	<p>Copy of NOTICE by Judicial Panel on Multidistrict Litigation of Conditional Transfer to District of Massachusetts, dtd 3/8/05. (tjm) (Entered: 04/07/2005)</p>

03/31/2005	●4	LETTER: dtd 3/28/05 from the District of Massachusetts. (Document received to docket on 5/3/05) (dmf) (Entered: 05/04/2005)
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